

MEMORANDUM

B/F

Agenda Item No. -2 (A)

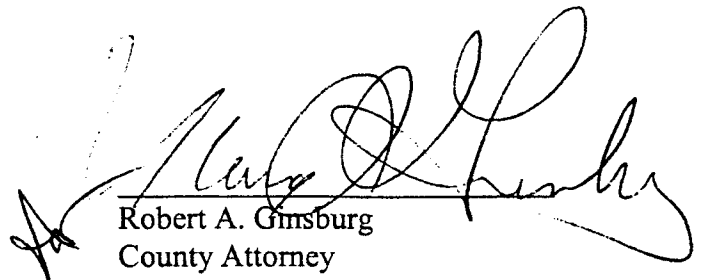
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE July 22, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending section
2-8.5; relating to local
preference

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, which appears to read "Burgess", is written over the printed name of George M. Burgess.

SUBJECT: Ordinance amending Section
2-8.5; relating to local
preference

This ordinance amending Section 2-8.5 of the Miami-Dade County Code relating to local preference will have no fiscal impact on Miami-Dade County.

The amendment further clarifies the definition of a local business as one that contributes to the economic well being of the County.

Fiscal/003004



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 13, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EXPAND THE DEFINITION OF LOCAL BUSINESS IN THE APPLICATION OF LOCAL PREFERENCE IN COUNTY CONTRACTING; REMOVING TIMEFRAME REQUIREMENT FOR SUBMISSION OF THE BEST AND FINAL BID; PROVIDING SANCTIONS FOR MISREPRESENTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 2-8.5

(1) Definitions.

(a) *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited, to pest control, janitorial, laundry, catering, security, lawn maintenance and maintenance of equipment.

(b) *Goods* includes, but is not limited to, supplies, equipment, materials and printed matter.

(c) *Local business* means the vendor has a valid occupational license issued by Miami-Dade County at least one year prior to bid or proposal submission to do business within Miami-Dade County that authorizes the business to provide the goods, services or construction to be purchased, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business. Post Office

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or »double arrowed« constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. >> In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. A vendor who misrepresents the Local Preference status of its firm in a proposal or bid submitted to the County will lose the privilege to claim local preference status for a period of up to one year. The County Manager, in his discretion, may also recommend that the firm be referred for debarment in accordance with Section 2-8.4.1 of the Code of Miami-Dade County. <<

(d) *Professional services* includes any services where the County is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

* * * *

(2) *Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive, bid, request for proposals, qualifications or other submittals and competitive negotiation and selection.* Except where federal or state law mandates to the contrary, preference shall be given to local businesses in the following manner:

- (a) *Competitive bid.* When a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses is within ten percent of the price submitted by the non-local business, then that non-local business and each of the aforementioned local businesses shall have the opportunity to submit ~~[[, within five working days of bid opening]]~~ a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.
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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

SA6
GA.

Prepared by:

Susan Torres

Sponsored by Commissioner Sally A. Heyman
and Commissioner Rebeca Sosa